Message

From: Fogarty, Johnpc [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP

(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8546B387C687410D88EEEE387DADDF56-JFOGAR02]

Sent: 10/13/2016 9:45:24 PM

To: Welles, Laura [Welles.Laura@epa.gov]

Subject: Re: Draft CAFO -- Whole Foods

Yes, it's showing as 3pm west coast time, 6pm ours.

Sent from my iPhone

On Oct 13, 2016, at 5:38 PM, Welles, Laura < Welles. Laura@epa.gov > wrote:

Is next Wednesday's meeting at 3 in your calendar? Just checking because when I went to find it just now it was at 6 pm...

From: Fogarty, Johnpc

Sent: Thursday, October 13, 2016 5:17 PM **To:** Welles, Laura < <u>Welles, Laura@epa.gov</u> > **Subject:** RE: Draft CAFO -- Whole Foods

Perfect!

From: Welles, Laura

Sent: Thursday, October 13, 2016 4:50 PM **To:** Fogarty, Johnpc < Fogarty. Johnpc@epa.gov >

Subject: RE: Draft CAFO -- Whole Foods

Yes – good plan.

I'll get an email out this afternoon.

From: Fogarty, Johnpc

Sent: Thursday, October 13, 2016 4:47 PM **To:** Welles, Laura < <u>Welles, Laura@epa.gov</u>> **Subject:** RE: Draft CAFO -- Whole Foods

Let do that (ask them), and indicate that while we had originally envisioned getting them a draft CAFO this week, it was assuming we'd have their materials so their program could be reflected in it. And that once we get those, we'll endeavor to turn it around as quickly as possible. Does that sound good to you?

From: Welles, Laura

Sent: Thursday, October 13, 2016 4:41 PM **To:** Fogarty, Johnpc < Fogarty.Johnpc@epa.gov > **Subject:** RE: Draft CAFO -- Whole Foods

I could really go both ways.

The best scenario for me would be to get the materials Monday or Tuesday, review, put more meat in the IR sections of the CAFO, and then email to WF by noon EST Wednesday – they likely will have had a chance to skim the document in the 3 hours before the call (if they know it's coming). This may be too unrealistic...

I can always ask WF re: when they'll get the materials to us next week and to phase it so some early and some later in the week.

From: Fogarty, Johnpc

Sent: Thursday, October 13, 2016 4:25 PM **To:** Welles, Laura < <u>Welles, Laura@epa.gov</u>> **Subject:** RE: Draft CAFO -- Whole Foods

I'd like to get your thoughts on this question.

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Ex. 5 AC/AWP/DP

Toughts?

From: Fogarty, Johnpc

Sent: Thursday, October 13, 2016 3:15 PM **To:** Welles, Laura < <u>Welles, Laura@epa.gov</u>> **Subject:** Re: Draft CAFO -- Whole Foods

Yes it does. Sort of an open question for how much is reflected in the main body of the CAFO and how much detail is in the appendices. Clearly they need to be consistent, but we'll have to see what they have in order to suss that out.

Sent from my iPhone

On Oct 13, 2016, at 3:08 PM, Welles, Laura < Welles, Laura@epa.gov > wrote:

Yes re: "guts" of WF's program in appendices. I want to see what they have already developed, implemented, etc. I also want to see more of the Ex. 4 CBI before drafting IR language. Sound good or not good?

From: Fogarty, Johnpc

Sent: Thursday, October 13, 2016 3:02 PM **To:** Welles, Laura < <u>Welles, Laura@epa.gov</u>> **Subject:** RE: Draft CAFO -- Whole Foods

You did a LOT of work here! And it's looking really good, too. Nice work. Some comments/questions/suggested edits in the attached. I am assuming that the "guts" of WF's program will be in the appendices?

From: Welles, Laura

Sent: Thursday, October 13, 2016 1:56 PM **To:** Fogarty, Johnpc@epa.gov>

Subject: RE: Draft CAFO -- Whole Foods

With regard to "consumer products" definition – R6 did not include a definition or list any of the products in the CAFO. R6 only concluded that in general WF has customer returns and expired products that are SW and at a minimum WF generated HW having the characteristic of ignitability (D001), corrosivity (D002) and toxicity (D007, D010, D009, and D011).

The Walmart CAFO had a "consumer products" definition (products sold in consumer product packaging which are transported as part of the Reverse Distribution Process) and did list some of the products (bleaches, pool chlorine and acids, pesticides, fertilizers, paints and varnishes, lamp oil and other ignitable liquids, aerosol products, oven cleaners and various other cleaning agents, automotive products and solvents, and other flammable and corrosive materials.).

From: Fogarty, Johnpc

Sent: Thursday, October 13, 2016 1:20 PM **To:** Welles, Laura < Welles, Laura@epa.gov > **Subject:** RE: Draft CAFO -- Whole Foods

Thanks - I will look at this asap. Quick reactions to the questions below (in red so they'll stand out) -

From: Welles, Laura

Sent: Thursday, October 13, 2016 11:47 AM **To:** Fogarty, Johnpc@epa.gov>

Subject: Draft CAFO -- Whole Foods

Attached is the draft Whole Foods CAFO – it's a bit rough and in need of a fresh set of eyes.

A couple of things:

Ex. 5 AC/AWP/DP

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Please review, edit, comment, etc.

Laura

Laura Welles Attorney Advisor Waste and Chemical Enforcement Division Office of Civil Enforcement U.S. Environmental Protection Agency (202) 564-2754